

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 13501WO/mt	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/EP2004/007893	International filing date (day/month/year) 15.07.2004	Priority date (day/month/year) 15.07.2003
International Patent Classification (IPC) or national classification and IPC B60N2/48		
Applicant SCHUKRA GERÄTEBAU AG		

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows:</p> <p><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>	
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2), with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>	

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007893

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- ☐ the international application as originally filed/furnished
- ☒ the description:

pages 1-13 as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

- ☒ the claims:
- nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* 1-23 received by this Authority on 17.05.2005 with letter of 17.05.2005

nos.* _____ received by this Authority on _____

- ☒ the drawings:
- sheets 1/8-8/8 as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2004/007893

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>3-22</u>	YES
	Claims	<u>1, 2, 23</u>	NO
Inventive step (IS)	Claims	<u>3</u>	YES
	Claims	<u>4-22</u>	NO
Industrial applicability (IA)	Claims	<u>1-23</u>	YES
	Claims	<u></u>	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents:

D1: DE 40 31 656 A (AMEU MANAGEMENT CORP)
9 April 1992 (1992-04-09)

D2: GB-A-2 057 255 (RENTROP HUBBERT & WAGNER)
1 April 1981 (1981-04-01)

D3: GB-A-1 218 541 (SLUMBERLAND GROUP LTD)
6 January 1971 (1971-01-06)

D4: US-A-4 222 608 (MAEDA KOUZO)
16 September 1980 (1980-09-16)

D5: DE 29 53 749 C (BROSE FAHRZEUGTEILE GMBH)
8 September 1988 (1988-09-08)

D6: DE 31 41 515 A1 (C. ROB. HAMMERSTEIN GMBH)
28 April 1983 (1983-04-28)

D7: US-A-4 765 683 (HATTORI ET AL)
23 August 1988 (1988-08-23)

D8: FR-A-2 749 812 (BERTRAND FAURE EQUIPEMENTS SA)
19 December 1997 (1997-12-19)

D9: DE 43 25 996 A1 (BROSE FAHRZEUGTEILE GMBH &
CO KG, 96450 COBURG, DE; MERCEDES-BENZ AKTI)
9 February 1995 (1995-02-09).

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

2. NOVELTY

The present application fails to satisfy the requirements of PCT Article 33(1) because the subject matter of claims 1, 2 and 23 lacks novelty (PCT Article 33(2)).

1. Document D8 discloses (the references in parentheses are to said document) an adjustable arrangement for adjusting the height of a headrest (9), said arrangement comprising at least two support elements (10) with a headrest accommodating unit (see figure 5, ref. 17) for accommodating the headrest, the headrest accommodating unit having adjustment means (20, 23) that can be displaced in at least one adjustment direction for adjusting the height of the headrest (10) accommodated therein and said adjustment arrangement further comprising drive means (16) for effecting an adjusting movement for adjusting the adjustment means (23, 20), each support element (10) being associated with, in each case, a flexible transmission means (26 and 27 are flexible cables) and a separate adjustment means (20, 23); each transmission means (26, 27) transmitting the adjusting movement of the drive means (16) to the respective adjustment means (20, 23) of each support element.

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The subject matter of claims 1 and 23 therefore lacks novelty.

2. Document D8 also discloses a displacement device for adjusting the height of a headrest, the headrest accommodating unit (17) having at least two accommodating units (18, 19), each of the at least two accommodating units being associated with, in each case, one of the at least two support elements (10, 11) and being designed for the accommodation thereof, each of the at least two accommodating units being associated with one of the separate adjustment means (23, 20) and the adjustment means being mutually spaced (see figure 5).

Thus, the subject matter of claim 2 lacks novelty.

3. INVENTIVE STEP

1. The combination of features according to claim 3 is not known from the available prior art, nor is it rendered obvious thereby.

The features of said claim give rise to a simplified system with a reduced number of cables.

2. The present application fails to meet the requirements of PCT Article 33(1) since the

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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subject matter of claims 4 to 22 does not
involve an inventive step (PCT Article 33(3)).

The features of claims 4 to 22 are known from the
following documents:

- claim 4: see D2 (see figures 1, 3 or 5 and
ref. 5); D3 (see figure 1 and ref. 15, 17,
25, 27, 14); D4 (see figure 1 and ref. 30,
34, 36, 24, 20, 18, and 16); D5 (see
figures 11 and ref. 469, 404, 54, 22 and 18);
- claim 5: see D2 (ref. 6 and 11); D3 (ref. 26
or 31, 33);
- claim 6: see D3 (ref. 27);
- claims 7-14: see D1 (ref. 9, 13, 14, 5, 2, 6,
3, 4);
- claims 15-19: see D2 (7, 11, 15, 5, 2, 6,
figures 3 and 4, page 1, lines 97-105, ref.
13, 12);
- claim 20: see D4 (activation means (76) and
drive means (30))
- claim 21: see D2 (see figure 1, 3 or 5 and
ref. 5); D3 (see figure 1 and ref. 15, 17,
25, 27, 14); D4 (see figure 1 and ref. 30,
34, 36, 24, 20, 18, and 16); D5 (see
figure 11 and ref. 469, 404, 54, 22 and 18).
- claim 22: see D1 (ref. 9, 13, 14, 5, 2, 6, 3
and 4).

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However, said features have already been used for the same purpose in the devices according to documents D1, D2, D3, D4 and D5. If a person skilled in the art wishes to achieve the same aim in a device as per document D8, he can easily apply these features to like effect to the subject matter of D8. In this way, he would arrive without inventive input at a device as per claims 4 to 22.